

REMARKS/ARGUMENT

Description of amendments

Claims 1, 21, 23, and 39 are amended, Claim 7 canceled, and dependent Claims 42-45 added. Accordingly, Claims 1-6, 8-24 and 34-45 remain pending for consideration. No new matter is added by these amendments.

Claim 1 incorporates the subject matter of Claim 7. Claim 21 finds support at pages 22-23 and FIGS. 14. Claim 23 finds support at pages 24-25 and FIGS. 15-16. Claim 39 finds support at pages 19-21 and FIGS. 11-12.

Applicants respectfully request reconsideration and reexamination in view of the foregoing claims and remarks presented below.

Applicants wish to thank the Examiner for withdrawing the rejections to Claims 7 and 11 that were set forth in the previous action. There is no longer a standing rejections to the subject matter claimed in Claims 7 and 11. The subject matter of Claim 7 has been incorporated into Claim 1 and the subject matter of Claim 11 has been incorporated into independent Claim 23.

Rejections under 35 U.S.C. §§ 102(b), 103(a)

Claims 1-4, 10, 12, 13, 21, 22, 23 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by XP-000980708 ("XP"). Of these claims, Claims 1, 21 and 23 are independent claims. Claims 5, 6, 8, 9, 14-20, 34-38, 40 and 41 stand rejected as unpatentable under 35 U.S.C. § 103(a) based on XP-000980708.

Applicants traverse the rejections for the following reasons.

Claim 1 has been amended to include the features of Claim 7, which claim recited "a temperature controller in communication with the applicator, the support element or the reservoir for heating or cooling the coating composition".

Anticipation under 35 U.S.C. § 102 requires that each limitation of a claim is found in a single reference either expressly or inherently. *See Perricone v. Medicis Pharm. Corp.*, 432 F.3d 1368, 77 USPQ2D 1321 (Fed. Cir. 2005). XP does not teach or suggest a temperature controller.

XP cannot therefore anticipate Claim 1. Withdrawal of the rejection to Claim 1 under 35 U.S.C. § 102(b), and allowance of this claim is earnestly solicited.

Claim 21 is directed to an applicator for coating an implantable medical device with a coating composition, including a reservoir containing coating composition; a hollow tubular body received in the reservoir and having a bore configured to receive an implantable medical device; and a plurality of fibers disposed along the bore of the body and in fluid communication with coating composition contained in the reservoir, wherein the fibers and bore are configured such that the implantable medical device, when received in the bore, is coated with coating composition as a result of external pressure applied to the tubular body. XP does not teach each and every feature of Claim 21. For example, XP does not teach or suggest an applicator in which fibers and a bore are configured such that an implantable medical device, when received in the bore, is coated with coating composition as a result of external pressure applied to the tubular body. Claim 21 therefore cannot be anticipated by XP. Withdrawal of the rejection to Claim 21 under 35 U.S.C. § 102(b), and allowance of this claim is earnestly solicited.

Claim 23 includes features recited under dependant Claim 11. Claim 23 is directed to a system for coating a luminal surface of an implantable medical device with a coating composition, including a reservoir to hold a coating composition, an applicator configured for being received within a bore of the medical device, the applicator including a coating surface and a porous region in communication with the coating composition in the reservoir, wherein the porous region is capable of loading the coating surface with the coating composition from the reservoir by capillary action, and a member configured to hold the medical device and allow the loading of composition on the luminal surface by the applicator while the member holds the medical device. XP does not teach each and every feature of Claim 23. For instance, XP does not at least teach or suggest “an applicator configured for being received within a bore of a medical device”. Claim 23 therefore cannot be anticipated by XP. Withdrawal of the rejection to Claim 23 under 35 U.S.C. § 102(b), and allowance of this claim is earnestly solicited.

Claim 39 is directed to a system for coating an implantable medical device with a coating composition, including an applicator including a porous coating portion having a coating surface, and a porous portion for conveying coating composition from the reservoir to the coating

portion, wherein the length and/or width of the coating portion is substantially greater than the length and/or width of the porous portion, and a support element to support an implantable medical device in close proximity to or in contact with the coating surface of the applicator. XP does not teach each and every feature of Claim 39. For instance, XP does not at least teach or suggest "a porous portion for conveying coating composition from the reservoir to the coating portion, wherein the length and/or width of the coating portion is substantially greater than the length and/or width of the porous portion". Claim 39 therefore cannot be anticipated by XP. Withdrawal of the rejection to Claim 39 under 35 U.S.C. § 102(b), and allowance of this claim is earnestly solicited.

Claims 2-6, 8-20, 22, 24, 34-38 and 40-45 depend from Claims 1, 21, 23 and 39, respectively, and recite additional features that further distinguish Applicants' invention over the art of record. However, it is not necessary to point out the additional features recited in these dependant claims. Because Claims 2-6, 8-20, 22, 24, 34-38 and 40-45 depend from allowable claims, they are also allowable. For this reason, Applicants ask that all standing rejections of Claims 2-6, 8-20, 22, 24, 34-38 and 40-45 under 35 U.S.C. §§ 102 and 103, respectively, be withdrawn.

For the above reasons, allowance for Claims 1-6, 8-24 and 34-45 is earnestly solicited.

Conclusion

In light of the foregoing claim amendments and remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 07-1850.

Date: Feb. 14, 2008

Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza
Suite 300
San Francisco, CA 94111
Facsimile (415) 393-9887
Telephone (415) 954-0314

Respectfully submitted,


James L. Reed
Attorney for Applicant
Reg. No. 43,877